

U.S. Department of Homeland Security
500 12th St. SW, STOP 5009
Washington, D.C. 20536-5009



U.S. Immigration
and Customs
Enforcement

June 26, 2012

THEODORE J. FOLKMAN
ONE BEACON ST. 21ST FLOOR
BOSTON, MA 02108-3107

RE: OPLA12-510, 2012FOIA7039

Dear Mr. Folkman:

This is in response to your letter dated May 24, 2012, appealing the adverse determination concerning your Freedom of Information Act/Privacy Act (FOIA/PA) request. The initial request asked for records regarding statements made by the victims in the case of United States v. Perlitz No. 09-CR-207.

ICE denied your request in its entirety by withholding records pursuant to the FOIA/PA exemption (b)(7)(A). We have reviewed the records in question that gave rise to this initial determination. Our analysis follows.

All of the responsive documents were withheld in full pursuant to (b)(7)(A). Additionally, a reservation of additional exemptions was used in the alternative that the subject of the request were to no longer be part of an ongoing criminal law enforcement investigation. As such, no portion of the documents was determined to be releasable under the provisions of exemption (b)(7)(A).

In particular, the reasoning behind the use of these exemptions in the initial determination was provided to you in the letter dated May 17, 2012.

Upon a complete review of the information withheld in the initial determination on your FOIA request, the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552 cited above.

This decision is the final action of U.S. Immigration and Customs Enforcement concerning your FOIA/PA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside, or in which the agency records are situated, or in the District of Columbia.

Should you have any questions regarding this appeal closure, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal", your appeal number, which is **OPLA12-510** and the FOIA case number, which is **2012FOIA7039**.

Sincerely,

Catherine Gonzalez Gallego for

Susan Mathias

Chief

Government Information Law Division

ICE Office of the Principal Legal Advisor

Department of Homeland Security